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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,698	07/09/2003	Daniel A. Collens	217.1010.01	1583
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SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			EXAMINER BAUM, RONALD	
			ART UNIT 2136	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/616,698	<b>Applicant(s)</b> COLLENS ET AL.	
	<b>Examiner</b> Ronald Baum	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/24/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in reply to applicant's correspondence of 10 December 2003.
2. Claims 1-15 are pending for examination.
3. Claims 1-15 are rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sims, U.S. Patent 6,550,011 B1.

5. As per claim 1; "A method, including steps of  
delivering, to a user,

digital content representing

at least a portion of a media stream,

the digital content being

locked against inspection or tampering by that user [*Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content (inclusive of audio, video, software, etc., insofar as said content is a media stream delivered to a user), using cryptographic methods to a legitimate*

*user, clearly encompasses the claimed limitations as broadly interpreted by the examiner.];*

separately delivering, to that user,

a license including

a content key capable of

unlocking that digital content,

the content key being

locked against inspection or tampering by devices other than

a selected presentation device owned by that user [*Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content (inclusive of the content as well as associated decrypting parameters insofar as said parameters are encompassed in a licensing data structure), using cryptographic methods to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.) including the content management (i.e., the decryption/unlocking, key management, etc.), clearly encompasses the claimed limitations as broadly interpreted by the examiner.];*

wherein

the selected presentation device is associated with

a presentation device key,

a secure portion of the presentation device being capable of

unlocking the license using

the presentation device key [*Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content (inclusive of the content as well as associated decrypting parameters insofar as said parameters are encompassed in a licensing data structure), using cryptographic methods to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content management (i.e., the decryption/unlocking, key management, etc.,) involved in the subsequent display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.*]

whereby

that user is restricted to

presentation of that media stream at

the selected presentation device [*Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content (inclusive of the content as well as associated decrypting parameters insofar as said parameters are encompassed in a licensing data structure), using cryptographic methods to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content*

*management (i.e., the decryption/unlocking, key management, etc.) involved in the subsequent display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.].”.*

6. Claim 2 ***additionally recites*** the limitations that; “A method as in claim 1, including steps of
- reading at least a portion of the digital content from
- physical media;
- encrypting that portion read from
- physical media using
- a content key;
- whereby
- the user is restricted to have
- a license for presentation of the digital content read from
- physical media.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., ‘physical media’) encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.) involved in the subsequent presentation, display, rendering,

play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

7. Claim 3 *additionally recites* the limitations that; “A method as in claim 1, wherein at least a portion of the locked digital content is delivered to the user using at least one of:
- (a) a communication link, or
  - (b) physical media from which the digital content can be read.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., ‘physical media from which the digital content can be read’) encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

8. Claim 4 *additionally recites* the limitations that; “A method as in claim 1, wherein at least a portion of the locked digital content is maintained by the user for possible delivery to more than one such presentation device.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., 'physical media from which the digital content can be read') encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc., encompassing 'possible delivery to more than one such presentation device') including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

9. Claim 5 *additionally recites* the limitations that; "A method as in claim 1, wherein at least a portion of the license is

delivered to the user using at least one of:

- (a) a communication link, or
- (b) physical media from which the digital content can be read."

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., 'physical media from which the digital content can be read') encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved



in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

10. Claim 6 *additionally recites* the limitations that; “A method as in claim 1, wherein  
the digital content is locked using  
a form of encryption and  
the content key is associated with  
decryption of that digital content.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of content encompassing varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

11. Claim 7 *additionally recites* the limitations that; “A method as in claim 1, wherein  
the media stream includes at least one of:  
animation or sound,  
still media,  
pictures or illustrations,  
a database,

another collection of information.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., ‘media stream ... sound ... database ... collection of information’) encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

12. Claim 8 *additionally recites* the limitations that; “A method as in claim 1, wherein the digital content includes

at least some information capable of inspection by the user

other than for

presentation of the media stream.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., ‘some information capable of inspection by the user ... other than ... presentation of the media stream’) encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering,

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play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.)

suggest such limitations.

13. Claim 9 *additionally recites* the limitations that; “A method as in claim 8, wherein that information capable of inspection includes

information about the media stream, including at least one of:

- (a) a,
- (b) a film clip,
- (c) a summary,
- (d) a set of information associated with
  - the author,
  - actors,
  - genre, or
  - rating of the media stream.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., ‘some information capable of inspection by the user ... about the media stream’) encompassing many separate works (i.e., title ... summary ... set of information associated with ...) with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.) involved

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in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

14. Claim 10 *additionally recites* the limitations that; “A method as in claim 8, wherein that information capable of inspection includes  
metadata about the media stream.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content (i.e., ‘some information capable of inspection by the user ...’) encompassing many separate works (i.e., metadata about the media stream) with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

15. Claim 11 *additionally recites* the limitations that; “A method as in claim 1, wherein the license imposes restrictions on  
presentation of that media stream.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various

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network distribution configurations including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

16. Claim 12 *additionally recites* the limitations that; “A method as in claim 11, wherein the restrictions include at least one of:

- (a) a first date or time at which  
presentation is allowed for the media stream,
- (b) a last date or time at which  
presentation is allowed for the media stream,
- (c) a limited number of  
presentations allowed for the media stream,
- (d) a limited physical region at which  
presentation is allowed for the media stream,
- (e) a charge, cost, fee, or subscription associated with  
allowing presentation of the media stream,
- (f) a type of  
presentation device,
- (g) an output format used by  
the presentation device,
- (h) a bit rate, sampling rate, or other measure of granularity or precision used by

the presentation device.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

17. Claim 13 *additionally recites* the limitations that; “A method as in claim 11, wherein the license is capable of being  
  
renewed or  
  
revoked.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of DVD content encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

18. Claim 14 *additionally recites* the limitations that; “A method as in claim 11, wherein

the license includes

an integrity code capable of revealing

whether that license has been tampered with.”.

The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col.

8, line 20, whereas the obscuring of the content, inclusive of DVD content encompassing many separate works with varying levels of cryptographic security, to a legitimate user, across various network distribution configurations including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.

19. Claim 15 *additionally recites* the limitations that; “A method as in claim 1, wherein that secure portion of the presentation device includes

elements relatively resistant to

intrusion on any of

their communication paths and

not allowing

the presentation device key,

the content key, or

the digital content

to be inspected or tampered with.”.

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The teachings of Sims (Abstract, figures 1-4 and associated descriptions, col. 3, lines 65-col. 8, line 20, whereas the obscuring of the content, inclusive of content encompassing varying levels of cryptographic security, to a legitimate user, across various network distribution configurations (i.e., pay per view, authorization via phone/Internet, etc.,) including the content management (i.e., the decryption/unlocking, key management/licensing aspects, etc.,) involved in the subsequent presentation, display, rendering, play, etc., clearly encompasses the claimed limitations as broadly interpreted by the examiner.) suggest such limitations.



*Conclusion*

20. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at (571) 272-4195. The Fax number for the organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

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